

Order

**Michigan Supreme Court
Lansing, Michigan**

July 21, 2006

Clifford W. Taylor,
Chief Justice

128715
128283

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

JOHN R. JACOBS,
Plaintiff-Appellee,
v

SC: 128715
COA: 258271
Oakland CC: 91-405664-NO

TECHNIDISC, INC., and PRODUCER'S
COLOR SERVICES, INC.,
Defendants-Appellees,
and

MICHIGAN MUTUAL INSURANCE
COMPANY n/k/a AMERISURE MUTUAL
INSURANCE COMPANY,
Intervenor-Appellant.

MARCIA VAN TIL,
Plaintiff-Appellant,
v

SC: 128283
COA: 250539
Ottawa CC: 02-042717-NO

ENVIRONMENTAL RESOURCES
MANAGEMENT, INC.,
Defendant-Appellee.

On order of the Court, supplemental briefs filed by the parties pursuant to the order of May 12, 2006 are considered, and IT IS ORDERED that these cases be resubmitted without further briefing or oral argument.

WEAVER, J., dissents and joins the statement of KELLY, J.

KELLY, J., dissents and states as follows:

Because I see no need to delay ruling on these cases until next term, I must dissent from the order. The issues in these two cases were fully briefed and argued before this

Court in May 2006. We later asked for additional briefing on the likely practical consequences should we overrule *Sewell v Clearing Machine Corp*, 419 Mich 56 (1984).

The parties and the amici curiae dutifully and quickly filed supplemental briefs. The court clerk received the last of them on June 23, 2006. Therefore, we have had three weeks to consider all the parties' latest filings. This has provided ample time to weigh the implications of overruling *Sewell*.

Those favoring a delay in deciding these cases offer no rationale for it. Because over two weeks remain in our term, and because we have had the parties' briefs for weeks, we should decide the cases now. These appeals were brought to us over 15 months ago. The parties deserve a decision on them sooner, not later.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 21, 2006

A handwritten signature in cursive script that reads "Corbin R. Davis".

Clerk